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ORIGINAL

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EX PARTE OR LATE FILED

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VIA HAND DELIVERY

April 28, 2003

EX PARTE

Marlene Dortch
Secretary
Federal Communications Commission
The Portals
TW-A325
445 12th Street, S.W.
Washington, D.C. 20554

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APR 28 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

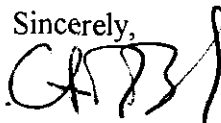
Re: Notice of Oral *Ex Parte* Presentations
CC Docket Nos. 01-337; 02-33, 98-10, 95-20

Dear Ms. Dortch:

In a brief telephone conversation on April 24, 2003, the undersigned and Christopher Libertelli, Legal Advisor to Chairman Powell, discussed EarthLink's position in the *Wireline Broadband* proceeding, specifically focusing on the letter EarthLink sent to Mr. Libertelli on April 17, 2003 (see *ex parte* notice of same date). EarthLink stressed its position that due to the absence of viable wholesale broadband alternatives, the public interest, federal statutory and decisional law, and Commission rules and precedent all require nondiscriminatory access to wholesale DSL for independent Internet Service Providers ("ISPs").

Pursuant to Section 1.1206(b)(2) of the Commission's Rules, eight copies of this Notice are being provided to you for inclusion in the public record in the above-captioned proceedings. Should you have any questions, please contact me.

Sincerely,



Kenneth R. Boley
Counsel for EarthLink, Inc.

cc: Christopher Libertelli